

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DAWN TARDIBUONO-QUIGLEY, on
behalf of herself and all others similarly
situated,

Plaintiff,

v.

HSBC MORTGAGE CORPORATION
(USA) and HSBC BANK USA, N.A.,

Defendants.

Case No. 7:15-cv-06940-KMK-JCM

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Declaration of D. Greg Blankinship and the exhibits thereto, and all papers previously submitted to the Court in the above-captioned action, plaintiff Dawn Tardibuono-Quigley (“Plaintiff”) will move this Court before the Hon. Kenneth M. Karas at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, for an order:

1) Pursuant to Fed. R. Civ. P. 23(a), (b)(2), and (b)(3), certifying the following three classes:

All persons in the United States who entered into a mortgage agreement with HSBC Mortgage or HSBC Bank that precluded the assessment of fees for unneeded or unnecessary services, and whose accounts were assessed fees for PIs or BPOs that were unneeded or unnecessary from September 2, 2012 to the present (the “National Contract Class”);

All residents of the State of New York who entered into a mortgage agreement with HSBC Mortgage or HSBC Bank that precluded the assessment of fees for unneeded or unnecessary services, and whose accounts were assessed fees for PIs or BPOs that were unneeded or unnecessary from September 2, 2012 to the present (the “New York Banking Law and GBL Inducement Class”); and


All residents of the State of New York who entered into a mortgage agreement with HSBC Mortgage or HSBC Bank that precluded the assessment of fees for unneeded or unnecessary services, and whose accounts were assessed fees for PIs or BPOs from September 2, 2012 to the present (the “New York GBL

Indiscriminate Practice Class”);

- 2) Appointing Plaintiff as representative of the classes;
- 3) Pursuant to Fed. R. Civ. P. 23(g), appointing Plaintiff’s counsel, Finkelstein, Blankinship, Frei-Pearson & Garber, LLP, as counsel for the certified classes; and
- 4) Granting such other and further relief as the Court deems just and proper.

Dated: White Plains, New York
March 2, 2018

**FINKELSTEIN, BLANKINSHIP,
FREI-PEARSON & GARBER, LLP**

By: 
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